549.

SUPREME COURT OF THE UNITED STATES.

No. ~~101~~. 29.

THE UNITED STATES ET AL., APPELLANTS,

VERSUS

THE BRIG BURDETT.

APPEAL FROM THE CIRCUIT COURT U. S. FOR THE DISTRICT OF MARYLAND.

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THE UNITED STATES OF AMERICA, } *to wit:*
District of Maryland, }

At a circuit court of the United States for the fourth circuit in and for the Maryland district, begun and held at the city of Baltimore on the first day of November, in the year of our Lord one thousand eight hundred and thirty-three:

Present, the honorable Gabriel Duvall, one of the associate justices of the Supreme Court of the United States.
Elias Glenn, judge of Maryland district.
Nathaniel Williams, esquire, attorney.
Thomas Finley, esquire, marshal.
Philip Moore, clerk.

Among other, were the following proceedings, to wit:

THE UNITED STATES, }
vs.
THE BRIG BURDETT. }

Be it remembered that on this day, to wit, the eighteenth day of November, in the year of our Lord one thousand eight hundred and thirty-three, the said United States of America, by Nathaniel Williams, their attorney, file in the circuit court here a record from the district court of the United States in and for the Maryland district, in the words, and of the tenor following, to wit:

THE UNITED STATES OF AMERICA, *District of Maryland, to wit:*

District court record.

At a district court of the United States in and for the Maryland district, begun and held at the city of Baltimore on the first Tuesday in June, in the year of our Lord one thousand eight hundred and thirty-three,

Present the honorable Elias Glenn, judge of Maryland district.
Nathaniel Williams, esquire, attorney.
Thomas Finley, esquire, marshal.
Philip Moore, clerk.

Among other, were the following proceedings, to wit:

THE UNITED STATES, }
vs. } Information filed 1 October, 1832.
THE BRIG BURDETT. }

In the district court of the United States for the Maryland district.

DISTRICT OF MARYLAND, *sc.*

Information.

Be it remembered that, on this first day of October, in the year eighteen hundred and thirty-two, comes into the district court of the United States for the district of Maryland, Nathaniel Williams, attorney of the United States for the said district, who gives the court here to understand and be informed that James H. McCulloch, esquire, collector of the port and district of Baltimore, has seized, as foreited to the United States, the brig Burdett, whereof John Stephenson is master, for that the said brig Burdett has been registered as a vessel of the United States, and as wholly owned by a citizen or citizens of the United States; whereas the said brig, at the time she was so registered, was, and still is owned in whole or in part by a subject of a foreign prince, that is to say, the said brig Burdett was then, and still is owned in whole or in part by a certain J. J. Carrera, or by a certain Joseph Carrera, both subjects of the King of Spain and of the In-

dies, residing abroad and out of the United States, which said ownership was then and there known unto the person or persons owning or pretending to own the whole or a part of the said brig Burdett, whereby the said brig Burdett, her tackle, apparel, and furniture, have become forfeited to the United States according to the provisions of the act of Congress in such case made and provided, which have been in this behalf violated.

Wherefore, the attorney aforesaid, who prosecutes as aforesaid, prays the advice and consideration of the court in the premises, and that process may issue out of this court, and the said brig Burdett, her tackle, apparel, and furniture, may be seized and condemned as forfeited to the use of the United States, and be sold under its authority, according to the provisions of the act of Congress in such case made and provided.

NATHANIEL WILLIAMS,
Attorney of the United States for the district of Maryland.

Whereupon, attachment issued in the words and of the tenor following, to wit:

THE UNITED STATES OF AMERICA, } *ss.*
Maryland district, }

To the marshal for Maryland district, greeting:

We command you that you attach, seize, take, and safely keep, the brig Burdett, her tackle, apparel, and furniture, commanded by John Stephenson, and now lying at the port of Baltimore, to answer the libel of the United States of America; and how you shall execute this precept, you make known to us in our said district court for the district aforesaid, at the Masonic Hall in the city of Baltimore, on the first Tuesday in December next. Witness the honorable Elias Glenn, judge of our said district court, the twenty-ninth day of September, 1832. Attachment.

[L. S.]

PHILIP MOORE, *Clk. Dist. Ct.*

N. W. issued 1st October, 1832.

THE UNITED STATES, }
vs.
THE BRIG BURDETT. }

And now comes here George G. Steever, by J. Meredith, his proctor, and claims the said brig Burdett, her tackle, apparel and furniture, and for his claim and answer unto the said information he saith, that the said brig was originally built in the State of North Carolina, and was purchased from her original owner, being registered as a vessel of the United States, by John Donnell and Sons, merchants of the city of Baltimore, within this district, from whom this claimant bought her sometime in the month of May, eighteen hundred and thirty-one; and thereupon obtained from the collector of the port of Baltimore, James H. McCulloch, a register for said brig in his own name, as her sole owner, he being a citizen of the United States, and this claimant denies that the said brig was, at the time she was so registered, or at any time since, owned in whole or in part by J. J. Carrera, or by Joseph Carrera, as is in the said information alleged, or by any other subject or subjects of a foreign prince or State, but, on the contrary, avers that at the time of obtaining said register, up to the time of her seizure, she was the sole property of this claimant; wherefore, the said Claim.

George G. Steever doth claim the said brig, her tackle, apparel and furniture, as his property, and prays that the same may be restored to him, and that he may have his costs in this behalf sustained, and his damages, occasioned by the seizure and detention of said brig, her tackle, apparel and furniture, so unlawfully made, to him decreed, &c.

J. MEREDITH,
for the claimant.

THE UNITED STATES OF AMERICA, *District of Maryland to wit*;
To Archibald Kerr, Matthew Kelly, and Willaim Graham, Esquires greeting:

[SEAL.] You are hereby authorized and required by the judge of the district court of the United States in and for the Maryland district (being first duly qualified,) to appraise and value, the brig Burdett, her tackle, apparel and furniture, as she now lies in the city of Baltimore, acording to the best of your skill and knowledge, and return such, your valuation, to the said district court immediately. Witness, the Honorable Elias Glenn, judge of our said district court the fourth day of October, in the year of our Lord one thousand eight hundred and thirty-two.

Warrant of Appraisement.

Issued 4th October, 1832.

PHILIP MOORE,
Clerk Dis't Court.

CITY OF BALTIMORE, *ss.*

On the 4th day of October, 1832, before the subscriber, a justice of the peace, in and for said city, personally came Archibald Kerr, Matthew Kelly, and William Graham, and make oath that they will appraise and value the Brig Burdett, her tackle, apparel, and furniture, directed in the above document, agreeably to the best of their skill and judgment.

Qualifications of the appraisers.

Sworn before NATHANIEL KNIGHT.

The undersigned appraisers, pursuant to the annexed order of court, after being duly qualified, proceeded to appraise and value the Brig Burdett, her tackle, apparel, and furniture, as she now lies in the port of Baltimore, and do value and appraise the same to the sum of six thousand dollars. Witness onr hands and seals, this 4th day of October, 1832.

Appraisers, return.

ARCHIBALD KERR. [SEAL.]
MATTHEW KELLY. [SEAL.]
WILLIAM GRAHAM. [SEAL.]

Witness:
NATHANIEL KNIGHT.

In the District Court of the United States, for the Maryland District, September term, 1832.

On this day, to wit, the fourth day of October, in the year of our Lord one thousand eight hundred and thirty-two, George G. Steever, Thomas Tenant by Richard G. Cox, his attorney in fact, and Richard G. Cox, came into court in their proper persons, and submitted themselves to the jurisdiction of this court, and consent to bind themselves, and do acknowledge themselves, their heirs, executors, and administrators, to be bound jointly and severally in the sum of twelve thousand dollars, current

Stipulation.

money of the United States of America, for the said George G. Steever, unto the United States of America, to perform and fulfil the final order and decree of this court; and, in case of an appeal from such final order and decree, then the final order and decree of the circuit court, and also of the Supreme Court of the United States, touching the restitution and re-payment of the sum of six thousand dollars, the same being the amount of the appraised value of the Brig Burdett, her tackle, apparel, and furniture, in the proceedings in this cause mentioned; and unless they shall so do, they severally consent that execution shall issue against them, their heirs, executors, and administrators, goods and chattels wheresoever found, or to be found.

Acknowledged before me, this 4th day of October, 1832.

PHILIP MOORE, *Clerk Dis't Court.*

THE UNITED STATES, *vs.* THE BRIG BURDETT. } *Witnesses for the United States.*

Deposition of Donald Chester.

Donald Chester deposes. He knows the house of Joseph Carrera, and his nephew J. J. Carrera, both of Havana; both are Spanish subjects. He knows George G. Steever; he is an American citizen. Deponent lived for three years last past in the house of Joseph Carrera without interruption, until last June, that is June, 1832. He was there during the whole of the operations of the Burdett, at Havana. He knows of no agreement between Carrera and Steever in relation to a purchase of a vessel in the United States, but he does know that, in consequence of the high freights at Havana, George G. Steever did send an order to Col. Tenant, of Baltimore, to purchase for him a vessel, which letter deponent saw: the vessel was to be purchased for him and in his name, and was to be sent to him, or, if he was absent, then to the house of Carrera, in which witness was a partner to a limited extent. The Burdett came to Havana, sent by Col. Tenant in obedience to this order, and the vessel came consigned to Carrera's house in the absence of Steever, who had left the Havana a week or ten days before she arrived; Capt. Nabb came master of her. The nephew kept no separate accounts from the elder Carrera, they had but one set of books; they had separate personal accounts, but these in the general books. He does not know that he ever saw the register of the Burdett.

He frequently conversed with both the Carrera's, on the subject of the Burdett, and he never heard either of them claim any ownership in the Burdett. He has frequently spoken of George Steever as the owner of the vessel, and of his fortunate purchase in consequence of her having made so rich a freight, and, at these times, neither of the Carrera's asserted any ownership in her.

He never asked these gentlemen if they were owners, because he always spoke of Steever as owner. He does not recollect that they were ever denied an ownership in her. When the brig came out to Havana she brought letters to Mr. Steever. Witness does not recollect ever seeing any letter from Col. Tenant complaining that he suspected any foreign ownership in her, or any thing of the kind; as the ship's husband, Carrera had positive orders from Steever in his absence to do with her as if she was his own, and to employ her on freight to the best advantage. When Steever was near

enough to communicate, he gave positive and specific orders. Witness has often seen his letters on the subject. Carrera did send her on freight; her first freight was to Hamburgh, consigned to the friends of Poulsin & Co. of Havana, who freighted her. She returned direct to Havana, then she was freighted to New York, consigned to Steever, if in Baltimore or the United States; if not, to W. W Russel, in New York, the friend of all parties. Her next freight was to Hamburgh, from Havana, freighted again by Poulsin & Co. On this voyage, she met with the disaster which obliged her to put into Norfolk. During the time of these voyages, Steever was not at Havana, nor was he in the United States when the brig arrived at New York, as he believes. After her return from New York to Havana, having been on shore once or twice, she was hove out there, examined, and some repairs put on her; her companion way was altered by the direction of Capt. Nabb, and Mr Carrera expressed some fear lest Steever would disapprove of this alteration. Capt. Nabb consulted Carrera, who assented to them prior to their being made He does not know exactly what was paid for the vessel, but he thinks $11,500, at six and eight months credit.

Deponent never saw Steever when the brig was present, and, of course, never saw him exercise acts of ownership over her; but Steever gave written orders about the vessel, which were obeyed. He does not believe that Steever ever saw her after her purchase, until she became a wreck, owing to his absence at different places.

Question by the District Attorney. Did you ever say to any person that there was any other owner of the vessel than Steever?

This question was objected to by the claimants' counsel, and the objection sustained by the court.

Deponent never saw Steever from a week or ten days before the vessel arrived first in Havana, until last July, when deponent arrived in Baltimore, but constantly saw the correspondence of Steever to Havana. That the vessel had been wrecked before he saw Steever in July, 1832. He does not know certainly of his own knowledge, that Steever was the sole owner of the Burdett, but Steever spoke of the prospective purchase of a vessel as his own before the brig arrived. He does not recollect any conversations of Carrera's, in which he suggested the advantage of the vessel sailing under the American flag; the fact is, that it was a disadvantage to sail under the American flag, as the tonnage duties in Cuba on American bottoms is ten dollars and fifty cents per ton, while the duties on Spanish bottoms is but one dollar per ton.

That the treaty with Spain calls for a payment of twenty reals vellon, which is one dollar, and in the Spanish colonies they make them pay twenty reals of silver, which is two dollars and fifty cents.

Question by the District Attorney. Have you conversed with any one, except Carrera and Steever, about the ownership of this vessel?

This was objected to by the claimant, and the objection sustained by the court.

Deposition of George Waters.

George Waters deposes. Knew the brig Burdett; saw her frequently. He knew Donnell owned her once, but does not know who owned her afterwards. He never heard who she was purchased for.

Richard G. Cox—Is a clerk of Col. Tenant's, and conducts all his business; the colonel being confined for a long time past to his bed, but wa

attending to his business when the Burdett was bought, and was then moving out. He has been bed ridden since 8th October, 1831. The Burdett was bought by Col. Tenant of John Donnell & Sons for eleven thousand five hundred dollars, on four and six months' credit. She was bought by the order and for the account of George G. Steever, who had not ordered any particular vessel, but had ordered a vessel to be bought for him. The order came from Havana, where Steever was, being supercargo of Col. Tenant's brig, the Lady Adams. There was a letter sent out with the brig to Steever at Havana, stating the purchase for him, and endorsed to be opened by Mr. Carrera, in his absence. Steever had sailed for Boston before the vessel arrived, and when he came home he was apprised of what had been done, and paid Col. Tenant eleven hundred dollars, in part of the purchase. When the vessel left Baltimore, she cost, including equipments, about thirteen thousand dollars. The rest of the purchase money was paid by the house of Joseph Carrera of Havana; not the specific sum, but it was settled in account with that house. Has had correspondence with Carrera respecting the vessel; have insured her by orders from Carrera, on account of Steever. Has seen letters more than once from Carrera to Steever during his, Steever's absence, directed to him in Baltimore, and opened by witness—some delivered to him Steever, some still in Col. Tenant's possession. No letter or paper that he ever saw, ever even hinted at ownership, except in Steever. Witness does not know either of the Carreras having any interest in the brig. The first hint he ever had of such an interest was hearing of the libel in this case. Steever was brought up by Vanwyck & Morgan. He was in Col. Tenant's employment from 1824 until the purchase of the brig, and was then supercargo for Col. Tenant of his brig Lady Adams. He was about twenty-five years of age when the purchase was made. Steever's circumstances then were small. Captain Nabb commanded her from her departure from Baltimore until condemned at Norfolk.

The plaintiffs then offered in evidence the following letters, marked 1, 2, 3, 4, and proved the signature thereto to be in the hand writing of J. J. Carrera To the reading of which the counsel for the claimant objected

1st. Because they are but a part of the correspondence, and the whole is not produced, or its non-production accounted for.

2d. If the whole were produced, they would still be inadmissible, because Carrera is no party to the case.

No. 1.

HAVANA, *November* 15, 1831.

Capt. J. NABB, *brig Burdett.*

DEAR SIR: The brig Burdett being ready to proceed to sea, I have no additional recommendation to make to my previous instructions to you, save that, in Matanzas, to which port the brig is bound to complete her cargo of sugars, you will endeavor to remain but two or three days, and proceed on to New York. On your arrival at Matanzas, you will value on Messrs. R. S Inclau & Co., to whom please deliver the enclosed letters; they are doubtless instructed by their friends to complete the cargo of the Burdett. I beg to recommend to you to see to, and insist that they ship, besides 687 boxes you have on board, the sufficient number to fill the Burdett, otherwise the return duty of one dollar per ton, to be recovered from

Letter from J. J. Carrera to Captain J. Nabb, dated Havana, November 15, 1831.

the custom-house, will not be granted. You will also see that they procure from the Matanzas custom-house a certificate, showing such a shipment, which you will request them to forward to me.

On your arrival at New York, you will value on W. W. Russel, esq., to whom please deliver the enclosed letter relating to the future employment of the Burdett. Mr. Russel is instructed to advertise her for freight and passengers for Havana, to be despatched without delay. This return voyage, it is expected, will be satisfactory, inasmuch as I trust a full freight will be procured, besides a number of passengers. However, should you be able at New York to undertake a European voyage, equally as profitable as the one you have performed to Hamburg, you will give it the preference. But bear in mind, that, unless it be as profitable or nearly so, it would be much to the brig's interest, particularly if a full freight for Havana can be procured, to return to this port, and perform another voyage to the United States and back, when the shipping season will then offer better encouragement for Europe. On this subject be pleased to act in concert with Mr. Russel. Regarding the logwood, if you can dispose of it at New York without a great loss, you can do so. For your government, it cost here, say 100 lbs. $266 4'rs. You can supply its place for dunnage in firewood. I need not recommend economy; the Burdett you are aware, to be a profitable vessel, should be navigated as economically as possible. Should you return to this port from New York, have a bill of health by the Spanish consul, in order to lessen or avoid the quarantine in this port.

I remain, very respectfully,
Your obedient servant,
J. J. CARRERA.

No. 2.

HAVANA, *November* 26, 1831.

Capt. JOHN NABB, *brig Burdett, New York.*

Letter from J. J. Carrera to Captain John Nabb, dated Havana, 26th November, 1831.

DEAR SIR: I received your regarded favor 23d inst. dated at Matanzas, the day before your departure for New York. Messrs. R. S. Yinclan & Co. informed me of the sailing of the Burdett on the 24th. I hope her passage to New York will have been a good one, and that you have been able either to procure a full freight and passengers back to Havana, or a profitable employment to Europe. In my instructions of the 15th, which I beg to confirm, I omitted to say that, in case you should undertake a European voyage from New York, the amount of freight out, after deducting the brig's necessary expenses, should be remitted in undoubted bills, to Messrs. Darthez, Brothers, advising them to have whatever sums you may thus remit, placed to the credit of Don Jose Carrera, of Havana.

In contracting for a European voyage, you should insist on reserving the consignment of the Burdett to the several houses I have indicated to you in my first instructions; but if this condition prevent, in any manner, the conclusion of a good charter, you may relinquish it, and consign the brig to the charterers' friends wherever she may be bound to. In this case, I recommend you to see that the freight out be remitted as above advised.

I remain, very respectfully,
Your obedient servant,
J. J. CARRERA.

P. S. Mr. Shaler, the American consul, has addressed several official notes to the captain general on the subject of the repeated impositions practised on American Captains and owners of vessels by Warren, to which he received no satisfactory answer, until the suit instituted by this Warren against Captain Fitch of the brig Valador induced the consul to address again the captain general—an answer was immediately given, and I am happy to inform you that, hereafter, all suits between sailors and their landlords will be transferred to a special tribunal of the captain general, to be there decided at once, without incurring expenses. Furthermore, the captain general has ordered that all previous suits instituted by this Warren shall be revised by the tribunal to which they are transferred.

Your steward was, on the day of your departure for Mantanzas, lodged in jail by order of the captain of the port, in conformity to a decree of the captain general, by which free persons of color, being foreigners, and belonging to foreign vessels, are forbidden from remaining on shore, and expressly ordered to join the vessel to which they belong; and such as have deserted from their vessels, or left on shore, are taken up and lodged in goal.

J. J. CARRERA.

No. 3.

HAVANA, *May* 12, 1832.

Captain JOHN NABB, *Norfolk.*

Letter from J. J. Carrera to Capt. John Nabb, dated Havana, May 12, 1832.

DEAR SIR: Your letters of the 13th and 23d April last, have been received, and am sorry to hear of the damage the Burdett has experienced in a tremendous gale of wind near the Bermudas. The certificate of survey, as well as the estimate of repairs to be made on the Burdett, has been received; the amount of repairs is enormous, but we must conform to it if there should be no other remedy. No doubt the underwriters will have to reimburse the amount. I wrote to Col. Tenant a few days ago, authorizing to arrange the business of the Burdett as well as he can, and for the best of my interest. I entreat you to consult him on the business, and do for the best. The expenses and repairs are heavy, and surpass my expectations. Mr. Tenant has been authorized by me to pay the amount required to fit out the vessel; but if he thinks best to sell my four hundred boxes of sugar, he is at liberty to do so, for they are insured at Baltimore.

The remittances you requested me to make to some of your friends in New York for your account, have been made some time ago. Mr. Gurea has quitted the house; for this reason I write you in English. Will be happy, should you understand my letter. Enclosed a letter I have received for you.

I remain, very truly,

Your most obedient servant,

J. J. CARRERA.

No. 4.

HAVANA, *June* 28, 1832.

Captain JOHN NABB:

Letter from J. J. Carrera to Capt. John Nabb, dated Havana, June 28, 1832.

DEAR SIR: I am in receipt of your valued favors of the 1st, 11th, and 21st May last, by which you inform me of the last survey held on the brig Burdett, and that she was condemned, and to be sold at public auction; but at the request of our friend Col. Tenant, the sale of the said vessel was postponed, and that the said Tenant had sent two gentlemen in order to have a pri-

vate survey on the brig at Norfolk, with the idea, I must suppose, to prove whether the vessel was defective or not: of this occurrence I have been duly informed also by Col. Tenant; but since his last advices, know nothing whether the vessel is condemned or to be repaired. Of this I hope to receive due information by first opportunity.

I am informed, also, that the Burdett's cargo for Hamburg had been shipped on board the brig John, A. Robb for said place—this vessel having been chartered by yourself, with the approbation of Mr. Tenant; and that she was to sail for the port of her destination in a few days, which I hope has been done.

By this time I presume you have seen Mr. Steever, and hope this friend will have succeeded in his claim against the underwriters for a partial or a total loss on said vesse[l].

I beg of you to do all in your power, that we may be able to collect what is so justly due to the interested in that vessel.

I should write you longer, but must stop, because I am not able to correspond in your language. I wrote you on the 12th May ultimo, and hope you have received my letter. Let me hear from you; and remain, very respectfully, your friend and obedient servant,

J. J. CARRERA.

* Thereupon the district attorney offered to read all other letters in his possession from the said J. J. Carrera, being No's 5 and 6, provided that the counsel for the claimant would withdraw their objection to the reading of the aforesaid correspondence; but the counsel declined to withdraw their said objection, and the same was sustained by the court.

No. 5.

HAVANA, *June* 28, 1831.

Captain JOHN NABB, *of Brig Burdett.*

Letter from J. J. Carrera to Capt. John Nabb, dated Havana, 28th June, 1831.

SIR: Before his departure for the north, Mr. George G. Steever, owner of the brig Burdett under your command, left me his instructions upon every subject relating to this vessel. In his absence, I beg leave to request your attention to such of these instructions as have immediate reference to the present voyage of that brig to Hamburg.

The brig is chartered to Mr. J. H. Poulson, merchant, of this city, at the rate of £5 1*s*. and 5 per cent. primage per ton of 2,240 net Spanish weight, for sugar in boxes, for a voyage hence to Hamburg. Although there is no charter party signed, the bills of lading are expressed clearly, and your attention is solicited to the payment in Hamburg of the amount of outward freight, say £1,089 14 11 in sterling, without reference to the existing rate of exchange current at the time such payment will be made. In conformity to the stipulations of the bills of lading, the consignees will have to account for their respective freight not only in sterling, but also on the Spanish weight expressed on the face of them, without reference to deduction at Hamburg either for a difference of relative weight between the two places, or for a deficiency in the weight of the boxes that might occur during the voyage. On this subject, you will please act in concert with Mr. Ferdinand Blass, to whom the Burdett is consigned, and to whom you will report yourself on your arrival at Hamburg.

I have authorized Mr. F. Blass to remit to London, to Messrs. Darthez,

Brothers, the amount of freight, after deducting therefrom the usual charges. I request that you will see that this remittance be effected in compliance with the freight list here enclosed. I have shipped on board the Burdett, for account of Mr Steever, 100 boxes sugars and 50 bags coffee, consigned to Mr. Blass, who has my instructions to effect sales on the best terms, and to remit the net proceeds thereof to the same house in London, reserving what moneys will be necessary to defray the brigs expenses at Hamburg.

The 160 lb. logwood were shipped, as you are aware, for the purpose of dunnage and stowing the cargo. On your arrival at Hamburg you will ascertain from Mr. Blass, whether, on disposing of it there, the loss would be considerable; if there be a loss, it would be more advisable to retain it on board, to be used hereafter.

Mr. Poulson, the charterer, has led me to expect that his friend would procure a full cargo for Havana. In this case you will see whether the quantity of wood would not interfere with a good stowage of the cargo; or whether it would not be more proper to dispose of it at the current price in Hamburg, and to replace it with bricks of such dimensions as are generally exported for this market.

Mr. Blass is also instructed on this subject. Therefore, should you find it to the advantage of the brig to dispose of the logwood with the view of facilitating the stowage of the cargo of dry goods, you are at liberty to do so, provided you have a full cargo: should you have a partial one, and the loss on the wood be considerable, it is much better to keep it on board.

The Burdett will be insured in Baltimore at and from Havana to Hamburg, back to Havana, or to a port in the United States. If, on your arrival at Hamburg, Mr. Blass has no prospect of procuring a good freight for this port, you will take what freight may offer for a port in the United States; and, should there be a partial freight for one or the other of these two destinations, you will give the preference of returning to Havana. Your return to this port will be at a favorable moment to receive a cargo either for the north of Europe or the Mediterranean.

Your detention in the port of Hamburg should be regulated according to the prospect that will be held out of a return freight, either for Havana or a port in the United States. But it would not be convenient you should remain there beyond a reasonable time. In this respect, you will act for the interest of Mr. Steever: a few days more or less are of very little importance, if you have the certainty of a good return freight.

In case of damage occurring to the cargo or vessel during the voyage, you will be pleased to concert with Mr. Blass to have the documents regularly drawn out, and address them to Mr. Steever, in Baltimore.

Should it ever occur that you be forced to make a port other than the one to which the Burdett is bound, you will report yourself to the following houses, if not otherwise requested.

Charleston, South Carolina - - -	To John Stoney
New York - - - - -	" W. W. Russell
Baltimore - - - -	George G. Steever,
owner, in his absence to - -	Thomas Tenant
Bordeaux - - - - -	Belquieri & Co.
Havre - - - -	Belquieri & Co.
Antwerp - - -	John Key

The chronometer I purchased for the Burdett, and for which I expect to have Mr. Steever's concurrence, is intrusted to your particular care. Wishing you a pleasant voyage,

I remain, very respectfully,
Your obedient servant,
J. J. CARRERA.

No. 6.

HAVANA, *March* 24, 1832.

Captain JOHN NABB, *of Brig Burdett.*

Letter from J. J. Carrera to Capt. John Nabb, dated Havana, March 24, 1832.

DEAR SIR: The brig Burdett under your command being now loaded and ready for sea on a voyage to Hamburg, I beg leave to request that, on your arrival, you report yourself to Mr. Ferdinand Blass, according to agreement with Mr. J. H. Poulson of this city, the charterer of the brig. I have shiped on board of the Burdett 201 boxes yellow sugars consigned to Mr. Blass, who is instructed to dispose of them to the best possible advantage, and to remit the net proceeds thereof to Messrs. Lestapis & Co. of Bordeaux. I have also shipped on board of the said vessel 199 boxes yellow sugars consigned to Mr. J. F. Ballauf, with directions to remit the net proceeds thereof to Messrs. Chaviten, Brothers, & Co., of Paris, all which I request you will strictly see remitted in compliance with my instructions.

I have addressed to Mr. Blass a copy of the Burdett's freight list, amounting to £971 8*s.* 2*d.* British sterling, which, after deducting the ship's necessary expenses at Hamburg, he is instructed to collect, at the current exchange on London, in conformity to the enclosed charter party, and remit the net proceeds to Messrs. Darthez, Brothers, London. Your attention to this remittance is also requested. On board the Burdett the 160 bbls. logwood remains as dunnage: respecting the sale of it at Hamburg, or keeping it on board according as freight may offer, I have nothing to change from former instructions, which I beg leave to confirm now.

You are aware that since the introduction of the cholera at several north European cities, vessels arriving thence are subjected, in this port, to a quarantine of from forty to ten days. All vessels that have arrived from Hamburg, an infected place, have been quarantined forty days, and their cargoes ventilated by causing every case on board to be opened, and the contents exposed to the air and purified.

These measures are prejudicial to business, at the same time that the vessels are incurring an additional expense, which it is my object to avoid. You will be pleased, therefore, to act to the best of your owner's interest either by taking a full freight back to Havana at such rates as will fully compensate the detention of 40 days' quarrantine, should you be on your arrival in this port subjected thereto; or, should these rates be at all inadequate, by taking what freight may offer to a port in the United States, New York in preference. The supposition that the quarantine regulations at this port will be maintained and enforced against every vessel arriving from ports infected with the cholera, led me to suggest a mode which the shippers at Hamburg might avail themselves of, which is, of shipping their goods on board the Burdett for New York, where this vessel would undergo every formality of quarantine, and, taking a clean bill of health, might

return to Havana, and avoid the performance of 40 days' quarantine. Shoul this mode be approved of, I would recommend it to be explicitly understood that the expenses at New York, of whatever nature they may be, shall be borne by the shippers, and not at all by the vessel: and that a rate of freight should be affixed that may compensate the expenses incident to a double voyage.

The Burdett will be insured in Baltimore at and from Havana to Hamburg, and at and from Hamburg back to Havana, or a port in the United States. The 400 boxes sugars shipped on board of that vessel will also be insured in the same place. During the performance of the present voyage, should any accident occur either to the vessel, or to the 400 boxes sugars, whereby a claim on the underwriters may be preferred, I beg leave, *I beg leave* to request that you will the documents drawn out to be forwarded to Col. Thomas Tenant, in Baltimore.

On any voyage that the Burdett will be engaged, I also recommend to you, most particularly, to avoid taking goods of every denomination whatever to be smuggled. The laws against smuggling in this port are very rigorous, and their infraction may subject the vessel to seizure, besides an imposition of fines. Your attention is requested to this all-important subject. Although there is no probability of a war taking place in Europe, yet, should such an event occur, you are requested not to take on board the Burdett as a part of cargo articles contraband of war: a non-compliance with this request necessarily vitiates the insurance, by exposing the vessel to legal capture. I again recommend economy as being essential in the ultimate profitable result which Mr. Steever, the owner of the Burdett, expects to see realized.

Wishing you a pleasant voyage,

I remain very respectfully,

Your obedient servant,

J. J. CARRERA.

The plaintiffs offered in evidence the register, and the following commission to New York.

Permanent.

No. 49.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," Thomas Tenant of Baltimore, State of Maryland, Register. agent, having taken or subscribed the oath required by the said act, and having sworn that George G. Steever, of Baltimore aforesaid, is the only owner of the ship or vessel called the Burdett, of Baltimore, whereof John Nabb is at present master, and a citizen of the United States, as he hath sworn, and that the said ship or vessel was built at Swansboro, State of North Carolina, in the year eighteen hundred and twenty-seven, as per temporary register No. 258, granted at the port of New York, the 10th October, 1829, now surrendered on a transfer of property. And said certificate having certified that the said ship or vessel has one deck and two masts, and that her length is ninety-five feet, her breadth twenty six feet four inches, her depth eleven feet two inches, and that she measures two hundred and fifty-five and 14 95 tons; that she is a brig, has a round tuck, no galleries, and a billet head; and the said Thomas Tenant having agreed to the descrip-

tion and admeasurement above specified, and sufficient security having been given according to the said act, the said brig has been duly registered at the port of Baltimore.

Given under our hands and seals, at the port of Baltimore, this third day of June, in the year one thousand eight hundred and thirty-one.

CUSTOM-HOUSE, BALTIMORE, COLLECTOR'S OFFICE, *June 13th*, 1833.

I certify the within to be a true copy of the resister of the brig Burdett of Baltimore, at the date thereof, agreeably to the original thereof remaining on the records of this office.

[SEAL.] JAS. H. McCULLOCH, *Collector.*

THE UNITED STATES OF AMERICA, *District of Maryland,* } *to wit:*

Commission to New York.

To James A. Hamilton and Samuel Meredith, of the city of New York, esquires, greeting:

Be it known, that you are appointed commissioners to examine evidences in a cause now depending in the district court of the United States in and for the Maryland district, between the United States of America, libellants, and the Brig Burdett and claimant, respondents. Therefore, you, or either of you, are requested, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission, that, at such time and place as to you, or either of you, shall seem convenient, you cause to come before you, or either of you, all such evidences as shall be named or produced to you, or either of you, by either the libellants or respondents; and that you, or either of you, examine them upon their corporal oaths, to be by you, or either of you, administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and having reduced the depositions of the witnesses so taken by you, or either of you, into writing, you send the same, with this commission closed, under your or either of your hands and seals, to the said district court, with all convenient speed. Witness, the honorable Elias Glenn, judge of our said district court, the seventh day of March, in the year of our Lord eighteen hundred and thirty three.

PHILIP MOORE, *Clk. Dis. Ct.*

N. W. issued 6th day of June, 1833.

Commissioner's Oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter before the said commission is closed, be produced to, and left with you by either party: so help you God.

JAMES A. HAMILTON, *Dist. Atty. U. S.*
SAMUEL MEREDITH.

Sworn to before me, this 11th day of June, A. D. 1833.

G. W. MORTON,
U. S. Commissioner.

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, and transcribe, the depositions of all and every the witness and witnesses produced before, and examined by the commissioners, or either of them named in the commission hereunto annexed, as far forth as you are directed by the said commissioners, or either of them, to take, write down, and transcribe the said depositions, or any of them: so help you God.

JOHN A. DUNLAP.

Sworn before us, this 11th day of June, 1833,

JAMES A. HAMILTON.
SAM'L MEREDITH.

The execution of the within commission appears by the depositions and exhibits thereto annexed, dated the 11th day of June, 1833.

JAMES A. HAMILTON, *Dist. Atty. U. S.*
SAMUEL MEREDITH.

THE UNITED STATES, *vs.* THE BRIG BURDETT. } *In the district court of the United States for the district of Maryland.*

Interrogatories to be propounded to witnesses on behalf of the United States:

Interrogatories. *First.* Have you, at any time or times, and when, been consignee of the Brig Burdett? who was master at such time or times?

Second When you have been consignee of the said Brig Burdett, where did she come from? did she or not come from Havana: and to what place or places have you despatched the said brig?

Third. By whom was the said brig consigned to you? was it so consigned by Joseph Carrera of the Havana? with whom did you correspond on the subject of the said brig? was it with the said Joseph Carrera?

Fourth. Whom did you understand or consider to be the owner of the said Brig Burdett? did you or not consider and understand the said Joseph Carrera, or his nephew J. J. Carrera, to be the owner, or, together, to be owners in whole or in part of the said brig?

Fifth. Did you or not receive letters from the said Joseph Carrera, or from J. J. Carrera, or from the house of Jose Carrera, relative to the said brig? If yea, please to annex the original letters to your answer. (N. B. These letters shall be returned.)

Sixth. To whom did you account for the freight earned by the said brig; and to whom did you charge the disbursements made on account of the said brig? was it to the aforesaid parties, or house of Carrera?

Seventh. Did you or not write sundry letters to the house of J. Carrera, in the Havana, relative to the said Brig Burdett? If so, and you have copies thereof, please to annex such copies to your answer; and, particularly, did you or not write a letter under date of "New York, 14th January, 1832?" If so, please to annex a copy of such letter to your answer.

Eighth. Do you know any other matter or thing relative to the ownership of the said Brig Burdett by said Carreras? If so, please state the same as fully as if you were specially interrogated thereto.

NATH'L WILLIAMS,
Atty. of the U. S. for the District of Maryland.

THE UNITED STATES,
vs.
THE BRIG BURDETT.

The claimant in the above case declines putting any cross-interrogatories to the witnesses on the part of the United States under the commission about to be issued to New York, but nominates, as a commissioner on his part, Samuel Meredith, esq., under a protest, however, that the 4th, 5th, 6th, and 7th interrogatories propounded on behalf of the United States are inadmissible, and that the answers thereto, when given, cannot be read in evidence in this cause.

J. MEREDITH,
Proctor for Claimant.

Deposition of William W. Russel.

Deposition of William W. Russel, a witness produced, sworn, and examined, the eleventh day of June, in the year one thousand eight hundred and thirty-three, at the city of New York, by virtue of a commission issued out of the district court of the United States in and for the Maryland district, in a certain cause therein depending, between the United States of America, libellants, and the brig Burdett and claimant, respondents.

First. William W. Russel of the city of New York, merchant, to the first interrogatory saith, that he was consignee of the brig Burdett, in December, in the year one thousand eight hundred and thirty-one, at which time John Nabb was master, and at no other time or times.

Second. To the second interrogatory, he saith that, at the time the brig Burdett was consigned to him as before stated, she came from Havana and Matanzas: she last came from Matanzas, and the place where the letters of consignment were written was Havana, which was her first place of departure on the voyage. The only place to which witness despatched the said brig was the Havana.

Third. To the third interrogatory, he saith, said brig was consigned to witness by Joseph Carrera, of Havana. Witness corresponded with the said Carrera on the subject of the said brig.

Fourth. To the fourth interrogatory, he saith that he understood from the letter consigning said brig to witness, dated "Havana, November 15th, 1831," which letter is now produced, marked A., to be annexed to this commission, that she belonged to G. G. Steever of Baltimore. Witness therefore considered him the owner, notwithstanding there were insinuations to the contrary from Captain Nabb, but neither at that time, nor subsequently, has any fact come to his knowledge which induces him to believe that Mr. Steever was not the owner. The insinuations referred to as having been made by said Nabb were, that either said Joseph Carrera, or J. J. Carrera his nephew, was the owner, or interested in said brig.

Fifth. To the fifth interrogatory, he saith, he has received letters from Joseph Carrera, now produced and annexed to this, his deposition, being respectively marked A, B, C, D, and endorsed by the commissioners.

Sixth. To the sixth interrogatory, he saith, that he accounted for the freight carried by the said brig to the said Joseph Carrera, and charged him with the disbursements made by witness on account of said brig.

Seventh. To the seventh interrogatory he saith, he wrote sundry letters to the house of J. Carrera relative to the said brig, and, among others,

he wrote to said house a letter dated New York, January 14th, 1832; copies of which letters are now produced, and hereunto annexed, marked respectively E, F, G, H, I, K, and indorsed by the commissioners.

Eighth. To the eight interrogatory, he saith, he has no knowledge that the said J. Carrera has any interest in the said brig Burdett, whatever.

W. W. RUSSEL.

Sworn before us, this 11th day of June, 1833.

JAMES A. HAMILTON, } *Commissioners.*
SAML. MEREDITH, }

(A.)

HAVANA, *15th November*, 1831.

W. W. RUSSEL, Esq., *New York.*

Letter from J. Carrera to Wm. W. Russel, dated Havana, 15th November, 1831.

DEAR SIR: Enclosed I have the pleasure of duplicate of my respects of 12th instant.

The brig Burdett, which was consigned to me by Mr. G. G. Steever of Baltimore, returns to your port with a full cargo of sugars and segars. I have requested Captain Nabb to value on your good self, on his arrival; and I beg leave to solicit your attention in procuring a good return freight to Havana, for that vessel, as well as passengers, for whom the brig offers the best accommodations. She is well known as having formerly been one of the regular packets between this and your port. In order to secure what freight may offer, as well as passengers, I would recommend you to have the brig advertised on her arrival to have despatch for this port.

On reference to Mr. Steever's instructions, who, I presume, will have left Baltimore for Mexico, Captain Nabb is fully authorized to undertake a voyage to Europe in preference, should a more advantageous employment be obtained in your port that vessel, than a return freight for Havana. In this instance you will be best enabled to decide after the arrival of the Burdett. Of a voyage to Europe Mr. Steever's instructions are constructive as regards the benefit to be derived from it, or of one back to Havana. The first should be at all events a probable one, whereas if a full freight and passengers can be had for Havana, the Burdett might be despatched without delay and perform another voyage to New York and back to this port before the shipping season. You will be pleased, therefore to act in concert with Captain Nabb, and select for the Burdett the voyage which will insure the most profitable result.

The Burdett will be insured in Baltimore. During the voyage, should any accident occur that may establish a claim against the underwriters, be pleased to have the necessary papers made out. Whatever may be the destination of the Burdett from your port, I beg to request that you will advise Col. Tenant, in the absence of Mr. Steever, to have insurance effected on the brig. I have written to him on this subject. I have already advised Mr. Steever of the present destination of the Burdett to New York. By a letter which I received from him a few days ago, he was on the eve of his departure for Mexico, but should he be in Baltimore, and desirous of attending personally to the concerns of the Burdett, I beg leave to request that you will transfer the consignment to him. My control over this vessel is limited in this instance to give her employment, and to address her to my friends, wherever she may be bound; but where the owner can himself

attend to her concerns, if he be so disposed, I shall feel obliged to you by transferring her to him.

Mr. Santiago Lesieur of this city deposited in my hands $1003, (one thousand and three dollars,) which he desires to have invested in stock of the Bank of the United States, in his name. Out of the funds at my credit be pleased to comply with his desire, and to address through me the certificate of the same. He has funds to recover in this city, which he will, when collected, remit to you for the same object. Captain Nabb, whom I will take the liberty of introducing to you, will hand you the freight list, amounting to $, which please collect and place to my credit, after deducting the expenses of the brig in your port.

I am, very respectfully,
Your obedient servant,
P. P. JOSE CARRERA.
J. J. CARRERA.

Endorsed:

JAMES A. HAMILTON,
SAMUEL MEREDITH, } *Commissioners.*

(B.)

HAVANA, 11*th January*, 1832.

W. W. RUSSEL, *Esq.*, *New York.*

Letter from J. J. Carrera to W. W. Russel, dated Havana, 11th January, 1832.

DEAR SIR: I had this pleasure on the 24th ultimo, since which I have to acknowledge receipt of your regarded favor 13th same month, informing me of the arrival of the Burdett, Capt. Nabb I much regret that the prospect of procuring a full freight for this vessel for this port was not encouraging, owing to the number of vessels that have anticipated her. I rely, however, on your friendly exertions to give her the best employment, by taking what freight may offer for this port, as a voyage to Europe at this time would be impracticable, unless at a rate which it would be out of the question to accept.

Since the receipt of your letter, I have not been able yet to inform Mr. Lesieur of the purchase of eight shares U. S. Bank stock. I shall deliver to him the certificate of the same, which is a sufficient title, the original remaining in your possession. I shall also request him to forward a power of attorney to enable you to receive the dividends that have accrued on them. Your account was credited with $1,046 84. Coffee is in request at from 12¼ to $13 for prime qualities, and 11 to 12 for inferior sorts. Little as yet in market.

I remain, very respectfully,
Your obedient servant,
P. P. JOSE CARRERA.
J. J. CARRERA.

London 17%.
Paris 5%. Mr. Jose Murphy, Paris.
United States 4%. Guilliam T. Murphy, Marseilles.
Madrid 13%.

Be pleased to forward the enclosed per first vessel to France.
Endorsed:
JAMES A HAMILTON,
SAMUEL MEREDITH, } *Commissioners.*

(C.)

HAVANA, *24th January*, 1832.

W. W. RUSSEL, Esq., *New York.*

Letter from J. J. Carrera to W. W. Russel, dated Havana, 24th January, 1832.

DEAR SIR: Annexed, I have the pleasure of handing duplicate of my respects of 11th current, and to own receipt of your regarded favors 27th, 30th ultimo, and 11th instant; this last advising that you intended to despatch the Burdett for this port on the 15th, with a freight and passage of $1,200. I feel confident you have used your utmost exertion in giving to this vessel the best employment; although her outward freight falls short of my expectation, yet I am thankful for your attention. Capt. Manson, of the Railway, handed me the box of paints which I requested you to purchase. Your account is credited with $29. M. Lesieur has expressed his satisfaction of the purchase of bank stock. I herewith hand his power of attorney to enable you to receive the dividends that will accrue thereon.

I remain, very respectfully,
Your obedient servant,
P. P. JOSE CARRERA.
J. J. CARRERA.

London, 14 c. 14½%.
Paris, 3%.
States, 3%.
Madrid, 14%.

Be pleased to forward the enclosed per first Havre packet, a letter Messrs. Chauvetau, Freres & Co. Mons. L. De Mons. Dorbigny.

HAVANA, *11th January*, 1832.

W. W. RUSSEL, Esq., *New York.*

Duplicate referred to in the preceding letter.

DEAR SIR: I had this pleasure on the 24th ultimo, since which I have to acknowledge receipt of your regarded favor 13th same month, informing me of the arrival of the Burdett, Captain Nabb. I much regret that the prospect of procuring a full freight for this vessel for this port was not encouraging, owing to the number of vessels that have anticipated her. I rely, however, on your friendly exertions to give her the best employment, by taking what freight may offer for this port, as a voyage to Europe at this time would be impracticable, unless at a rate which it would be out of the question to accept.

Since the receipt of your letter, I have not been able yet to inform Mr. Lesieur of the purchase of eight shares of U. S. Bank stock. I shall deliver to him the certificate of the same, which is a sufficient title, the original remaining in your possession. I shall also request him to forward a power of attorney, to enable you to receive the dividends that have accrued

on them. Your account is credited with $1,046 84. Coffee in request at from 12¼ to 13 for prime qualities, and 11 to 12 for inferior sorts. Little as yet at market.

I remain, very respectfully,
Your obedient servant,
P. P. JOSE CARRERA.
J. J. CARRERA.

London, 17%.
Paris, 5%.
U. States, 4%.
Madrid, 13%.

Endorsed:
JAMES A HAMILTON, } *Commissioners.*
SAMUEL MEREDITH, }

(D.)

HAVANA, *8th February*, 1832.

W. W. RUSSEL, Esq., *New York*.

Letter from Jose Carrera to W. W. Russel, dated Havana, 8th February, 1832.

DEAR SIR: Confirming my respects of 24th ultimo, of which the annexed is a duplicate, I have now to acknowledge receipt of your regarded favors of 14th and 20th same month: the first was handed me by Capt. Nabb, of the Burdett. This vessel arrived on the 30th, in 11 days passage. All the accounts relating to her will be examined and booked in conformity. I have not as yet determined on the direction to give the Burdett. I hope, however, she will have good employment to Europe, as the shipping season has now commenced. Coffee is in request at from 12¼ to 13 for prime qualities, and from 11 to 12 for inferior description. The late advices received from France (21st December,) are very favorable. In sugars, transactions are yet unimportant; new assorted range from 5-9 to 6-10 rls.

I remain, very respectfully,
Your obedient servant,
P. P. JOSE CARRERA.
J. J. CARRERA.

London,	12½ a	13%
Paris.		2%
U. States,		4%
Madrid,		13%

Duplicate.

HAVANA, *24th January*, 1832.

W. W. RUSSEL, Esq., *New York*.

DEAR SIR: Annexed I have the pleasure of handing duplicate of my

respects of 11th current, and to own receipt of your regarded favors 27th and 30th ult., and 11th Jn's this inst. advising that you intended to despatch the Burdett for this port on the 15th, with a freight and passage of $1,200. I feel confident you have used your utmost exertion in giving to this vessel the best employment, and, although her outward freight falls short of my expectation, yet I am thankful for your attention.

Duplicate referred to in the letter of the 8th February, 1832.

Capt. Manson of the railway handed me the box of paints, which I requested you to purchase, and your account is credited with $29.

Mr. Lesieur has expressed his satisfaction of the purchase of bank stock. I herewith hand his power of attorney, to enable you to collect the dividends that will accrue thereon.

I remain, very respectfully,
Your obd't servant,
P. P. JOSE CARRERA
J. J.CARRERA.

London, 14 to	147/8
Paris,	3/8
States,	3/8
Madrid,	14/8

(Endorsed:)

JAMES A. HAMILTON,
SAML. MEREDITH, } *Commissioners.*

(E. Per Schooner March,)
NEW YORK, *December* 13, 1831.

JOSEPH CARRERA Esq.

DEAR SIR: I acknowledge the receipt of your esteemed favor of the 12th ult. handed me by Capt. Nabb of the Burdett, which vessel arrived on the 12th, after having been off the coast for 7 days, and suffering some slight injury in her upper works. The extent of the damage will, I presume, however, not amount to a claim on the underwriters, but, should it prove otherwise, the necessary documents will be forwarded to Col. Tenant, in order that he may claim of them.

Letter from W. W. Russel to Joseph Carrera, dated New York, 13 Dec., 1831.

I have to return you my thanks for the favor done me in the consignment of this vessel, which, however, will be promptly surrendered to Mr. Steever should he be in this country, and be desirous of giving his personal attendance to her concerns. Your views as to employment for her are also duly noted, and every thing in my power will be done to promote them. But the prospect of success is not encouraging, in fact a profitable voyage to Europe is out of the question; for, at the present state, the brig could not make a freight of $1,500. Nor is there any probability that a full freight can be promptly obtained for your port, as those persons who had goods for your place have availed themselves of the many recent opportunities, in order that their shipments might reach their destination before the commencement of your Feistas, or holydays, there is consequently, but little now going forward, and that is already anticipated and secured by three vessels which

are soliciting freight for your port, tho' such is the prospect. I shall, however, put her up for Havana if, after a future consultation with Capt Nabb, he should concur with me, that this will be the best employment for her. The good qualities of the Burdett are so well known that I doubt not but that she will command a preference over others, both as to freight and passengers, but, for the reasons stated, may not be able to give her the despatch you desire. As soon as her destination may be determined on, I shall advise Mr. Tenant, in order that he may make the necessary insurance on her. The brig will commence discharging to-morrow, and the net proceeds of her freight, after deducting my disbursements on her, will be passed to your credit in account. Herewith you have account of purchase of eight shares of United States' Bank stock placed in the name of Mr. Santiago Lesieur agreeably to your request, amount $1,046,84, to your debt. Notarial and consular certificates in attestation of this purchase, you have also herewith. I do not forward you the original bank certificate, for, should it miscarry, could only be replaced by great trouble, and by giving heavy bonds. It shall, however, be forwarded, if deemed indispensible by you. You will perceive that I have exceeded the amount ordered to be invested, as it was necessary to do so, in order not to fall too far short of the sum named by you. I trust it will have your approbation. Difference can be paid you by Mr. Lesieur, or, if more agreeable to him, I can credit you with it from the dividends that will be payable on the stock: the first will be 3½ %, and will be receivable on the 1st, proxim. But, to enable me to collect them, it will be necessary that that gentleman should forward me his power of attorney, duly acknowledged before the United States' consul. I notice his intention to have further investments made, and that I shall be favored with your orders accordingly; please accept my grateful acknowledgments for your kind determination. Capt. Nabb desires his best respects to you, but is unable to write you, as he is yet suffering too much from our northern blasts. Your draft of the 27th October, is the only one that has as yet appeared. Bills on London 10%. Paris 5 *a* 5 17½. Coffee Havana, 11 *a* 13½. Sugar B 6½ *a* 7¾. Whites 9 *a* 10½

With great respect, your obed't servant,

W. W. RUSSEL.

(Endorsed,)
JAMES A. HAMILTON, } *Commissioners.*
SAM'L MEREDITH, }

(Pr. Railway, F.)

NEW YORK, *December* 27, 1831.

JOSEPH CARRERA, Esq.

Letter from W. W. Russel, to Joseph Carrara, dated New York, 27th December, 1831.

DEAR SIR: Herewith you have duplicate of my last respects. The Burdett is discharged, and ready to receive freight for your port, but, unfortunately, there is but little or nothing offering; the schooner Railway, and the Spanish brig Matanzas Packet, having either anticipated or secured all that appears going the first by having had ten days-start of us,

the latter by offering to shippers great reduction of duties on all goods sent by her. But as she will be off in a few days, we shall then have none of equal character with the Burdett to compete with, and shall have a better chance of success. I have several promises of small parcels of goods, but no one is willing to ship first. It is therefore particularly unfortunate that you did not foresee, or rather recall to mind, that this was the dullest season for freights, and have authorized me to make a beginning by putting in some for your account; it probably would have been the means of securing a full freight for her. However, it is too late to remedy this oversight, and I must make the greater exertions; that nothing may be spared I have enlisted the services of Garcia, Arcos, & Co., who at the moment have not any vessel up for Havana, and are acquainted with those who are in the practice of shipping thither. If, therefore, with our united exertions, we should fail of getting her full, the fault must be laid to the season, and not to me. The damage to the brig referred to in my last, proves to be of trifling amount. Capt Nabb is now directing the reparing of it. I wrote to Col. Tenant, requesting him to make the necessary insurance on her—he advises me that it has been done accordingly—say 2% on a valuation of $13,000; it could have been done here at a less premium. Why they should charge 2% hence to Havana, and only 1½ from Havana and Mantanzas, to this port at the worst period of the year for approaching our coast I cannot understand. Your a|c is debited with $6,000, say for your dft. of the 2d current for $2,000, favor of A. Lopez; and of the 26th ult. for $4,000, favor of Garcia, Arcos, & Co., both at sight.

Your favor of the 26th ult., pr. Isidra, reached me yesterday. The paint box shall be sent your by first opportunity.

With great respect,

Your obliged and humble servant,

(Signed,) W. W. RUSSEL.

Endorsed:

JAMES A. HAMILTON, } *Comm'rs.*
SAM'L MEREDITH, }

Bills on London,	9½ *a* 10
" on Paris,	5⅛ *a* 5 2/8
Coffee, Havana,	11 *a* 13½
Sugar, B.,	6½ *a* 7½
W., - -	9 *a* 10

(Per Schooner Railway, G.)

NEW YORK, *December* 30, 1831.

JOSEPH CARRERA, Esq.

Letter from W. W. Russel to Joseph Carrera, dated New York, 30th December, 1831.

DEAR SIR: I had this pleasure on the 27th, the object of the present is to advise you that I have committed to the care of Capt. Manson of the schooner Railway, a small parcel directed to you, containing a box of Newman's best paints, which you will please claim of him, and pay him such freight as shall appear equitable; the cost of the paints is $29 to your debit: they are the best that could be found, and will I hope be ap-

proved. Do me the favor to say to Mr. Chester that his favor of the 26th ult., pr. Isadra, is received, and that I am attending to his request, and will answer his inquiries by first vessel.

To day we have made a beginning with the Burdett. Some little freight has been offered, and is going on board: the weather has prevented nearly all business for the last two days.

With great regard,
Your obliged and humble servant,
(Signed,) W. W. RUSSEL.

Endorsed,
JAMES A. HAMILTON, SAM'L MEREDITH, } *Commissioners.*

(Per Brig Mantanzas Packet, H.)

NEW YORK, *January* 11, 1832.

JOSEPH CARRERA, Esq.

Letter from W. W. Russel, to Joseph Carrera, dated New York, 11th January, 1832.

DEAR SIR: Confirming my respects per schooner Railway, I have at present merely to advise you that, wind and weather permitting, I shall despatch the Burdett for your port on the 15th current, with about $1,200 freight and passage. It would have given me great pleasure could I have succeeded better for you, but that has been impossible, for the reasons already stated to you. No exertion has been spared on my part, and tho' the result may fall short of your wishes, I can assure you it much exceeds my expectations, for never did vessels arrive at this port at a more unpropitious time, or under more unpleasant prospects as to freight for your port.

Very truly,
Your obliged and humble servant,
(Signed,) W. W. RUSSEL.

Endorsed:
JAMES A. HAMILTON, SAM'L MEREDITH, } *Commissioners.*

(Per Burdett, I.)

NEW YORK, *January* 14, 1832.

JOSEPH CARRERA, Esq.

Letter from W. W. Russel to Joseph Carrera, dated New York, 14th January, 1832.

DEAR SIR: My last respects were on the 11th, per Railway: the present will be handed you by Capt. Nabb, who will leave this to-morrow with the Burdett, with a freight on board amounting to $1,058 65, agreeable to the enclosed freight list, my commission on procuring which are $26 45 to your debit. There are also on board three passengers, from whom I have received $100 passage money, and credits you with the same; from one of whom, Mr. Mitchell, there is due a balance of $20, whose obligation in your favor for that amount I hand you herewith. It

has not been possible for me to do better for you with the Burdett for the circumstances already stated, and have only succeeded in getting her full by taking freight at low rates. Never was there so little inducement to ship, or so few orders for your market as at present, and during the last fortnight. The Mantanzas Packet, tho' bound to two ports, could only fill up by buying up all the jerk beef in market for owners' account. Herewith you have the inward freight list of the Burdett, showing $1,248 16 to your credit. I also hand you my bill of disbursements on her, amount $1,784 62 to your debit in ac't. Her expenses have been heavy, but have arisen partly for balance of wages on her former voyage, and from Capt. Nabb's wish to save expense by laying in provisions and stores here for several months to come. I am not aware that he has been extravagant in his expenditures, or that he has incurred any expense that he might have avoided. Copies of her bills, and Capt. Nabb's several orders, will be transmitted to you by early opportunity, and probably by the Mary Ann.

Yours, with great regard,
(Signed,) W. W. RUSSEL.

(Endorsed:)
JAMES A. HAMILTON, SAM'L MEREDITH, } *Commissioners.*

(K.)

NEW YORK, *January* 20, 1832.

JOSEPH CARRERA, Esq.

Letter from W. W. Russel to Joseph Carrera, dated New York, 20th January, 1832.

DEAR SIR: Herewith you have duplicate of my respects of the 14th inst. per Burdett. I now hand you duplicate ac't of disbursements and inward freight list; also, copies of the various orders of Capt. Nabb, together with copies of his receipts for moneys paid him for ac't of the brig.

I have to debit your account with $2 50, say for 2 days additional wharfage, and with $27 25 outward pilotage, and two days' attendance of the pilot on her: the Burdett left this on the 18th, but was not able to get to sea till yesterday morning at 4 A. M., when the pilot left her with a fine wind.

With great regard,
Your obliged and humble servant,
(Signed,) W. W. RUSSEL.

Endorsed:
JAMES A. HAMILTON, SAM'L MEREDITH, } *Commissioners.*

THE UNITED STATES, *vs.* THE BRIG BURDETT. } *District Court U. S. Maryland District, June term,* 1833.

Decree of the district court.

This cause standing ready for hearing, the testimony reduced to writing, and council heard thereon: It is there upon, this 15th day of June, 1833, by the honorable Elias Glenn, judge of the United States for the district of Maryland, and by the authority of this court, ordered, adjudged and decreed, that the information filed herein be and the same is hereby dismissed.

ELIAS GLENN, *D. J.*